

# APPLICATION FOR DETERMINATION OF HAZARD CLASSIFICATION OF DAMS AND RESERVOIRS

## INSTRUCTIONS

Use this form to apply for a determination of whether a dam or reservoir to be constructed, altered, repaired, enlarged, or removed is a high-hazard structure. The completed application, together with an inspection fee of \$125.00, **should be submitted to the office listed below**. Attach a U.S. Geological Survey topographic map showing the location of the proposed or existing structure.

### FOR DEPARTMENT USE ONLY

Date Application Rec'd \_\_\_\_\_  
 Rec'd by \_\_\_\_\_  
 Fee Rec'd \_\_\_\_\_  
 Check No. \_\_\_\_\_  
 Transmittal No. \_\_\_\_\_  
 Refund \_\_\_\_\_  
 Date Completed Appl. Rec'd \_\_\_\_\_

Maximum normal reservoir capacity (*usually measured to the principal or emergency spillway crest*) \_\_\_\_\_ acre-feet  
 (If capacity is less than 50 acre-feet, this classification is not necessary.)

Maximum reservoir capacity *measured to the crest of the dam* \_\_\_\_\_ acre-feet

This application is for the \_\_\_\_\_ of the \_\_\_\_\_ Dam  
 (Construction, alteration, repair, enlargement, removal or reclassification) (Name of dam or reservoir)

The dam is in \_\_\_\_\_ County \_\_\_\_\_ ¼ Sec \_\_\_\_\_ Twp \_\_\_\_\_ Rge \_\_\_\_\_

and is located on \_\_\_\_\_, a tributary to \_\_\_\_\_  
 (Creek or River) (Creek, River or Offstream) (Creek or River)

Owner Name \_\_\_\_\_

Address \_\_\_\_\_

(Street)

(P.O. Box)

(City)

(State)

(Zip Code)

(Telephone)

Purpose(s) for which the dam is (to be) used \_\_\_\_\_  
 (Irrigation, stock, municipal, etc.)

Maximum normal water depth *measured from the streambed to the crest of the principal or emergency spillway* \_\_\_\_\_ feet

Dam height *measured from the streambed to the crest of the dam* \_\_\_\_\_ feet

The applicant certifies that the statements appearing here are to the best of his/her knowledge true and correct.

\_\_\_\_\_  
*Signature*

\_\_\_\_\_  
*Date*

A determination will be made within 60 calendar days of receipt of a **complete** application. Send completed application to: the DNRC Regional Office in your area. Phone numbers and locations can be found on the attached page.

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Based upon the information above and the structures downstream of the dam, the dam's hazard potential is classified:

☐ High Hazard\*

☐ not High Hazard\*

Signed \_\_\_\_\_ Date \_\_\_\_\_

\*(See back for explanation of these items)

## MONTANA'S DAM SAFETY LAW

Because dam safety is important to both life and property, Montana became, in 1985, one of the 43 states that have adopted regulations for construction, operation, and maintenance of high-hazard dams. The Montana Dam Safety Law provides for a permitting process to ensure that construction work on new and existing high-hazard dams is designed and performed in a safe manner.

If your dam is a high-hazard dam, you need a dam safety permit. It's a benefit to you to have the dam permitted. According to Montana's Dam Safety Law, once a high-hazard dam is permitted, the dam owner is not—in the absence of negligence—liable for damages resulting from flows of water from the dam or reservoir that exceed the 100-year floodplain. This provision reduces the risk of liability of the owner of a high-hazard dam.

Exempt from the Dam Safety Act are dams that are owned by the federal government, on federal property, inspected by the Federal Energy Regulatory Commission, included in the mine operating permit issued by the Montana Department of Environmental Quality, or associated with facilities certified under the Major Facility Siting Act.

### HAZARD CLASSIFICATION

The law provides for hazard classification. The owner of a dam first needs to make an estimate of the impoundment capacity at the maximum normal operating pool, which is usually to the crest of the principal or emergency spillway. If the impoundment capacity is 50 acre-feet or more, the owner must apply to the Department of Natural Resources and Conservation for hazard classification.

The determination of hazard involves an evaluation of the area downstream from the dam that would be flooded if the dam fails. If the flood would be likely to cause a loss of life, the dam or reservoir is classified as a high-hazard structure. The hazard classification is based on the potential loss of life downstream and **is not an assessment of the safety of the structure.**

To apply for a dam hazard classification, the owner should write or call any DNRC office and request an application form. A hazard classification will be made within 60 days after the department receives a complete application.

### CONSTRUCTION PERMIT

If you plan to build a new dam or alter an existing dam, either of which impounds 50 acre-feet or more, you must apply for a hazard classification. If it is determined that the dam is a high-hazard dam, a construction permit is necessary before construction. "Construction" includes construction of a new high-hazard dam or a major repair or alteration, enlargement, or removal of an existing high-hazard dam.

An application for a construction permit includes an application form, construction plans and specifications, and an engineering design report. The plans and specifications must be prepared by an engineer experienced in dam design and construction.

Within 60 days of receiving a completed application, the department will issue or deny a construction permit.

A construction permit is not required for performing minor and routine repairs or maintenance or emergency repairs on a high-hazard dam or reservoir.

### OPERATION PERMIT

An application for an operation permit for a high-hazard dam should include an operation plan and a licensed professional engineer's inspection report of the high-hazard dam. The operation plan should include reservoir operation procedures, maintenance procedures for the dam and appurtenant works, and an emergency procedures and warning plan. Preparation of and adherence to the plan will aid in the safe operation and maintenance of the high-hazard dam. A more detailed description of an operation plan can be found in the administrative rules for dam safety. The inspection, which is the responsibility of the dam owner, must be conducted by a licensed professional engineer. The minimum frequency for inspection is set in your operation permit and is not less than once in five years.

If your existing high-hazard dam is found safe and can be operated and maintained safely as well, an operation permit is issued by the department. Renewal of the operation permit is granted by the department upon satisfactory periodic inspections.

### EMERGENCY

During a life-threatening emergency caused by the condition of a dam or a reservoir, or by present or imminent floods that threaten the structural integrity of any dam or reservoir, the owner may proceed with the necessary repairs or breaching **without** the previously described construction permit. The department must be notified immediately of any proposed emergency repairs or breaching to be instituted by the owner. If the owner fails to act, the department may take any action necessary to safeguard life and property. Costs incurred by department action during an emergency must be paid by the owner of the dam or reservoir.

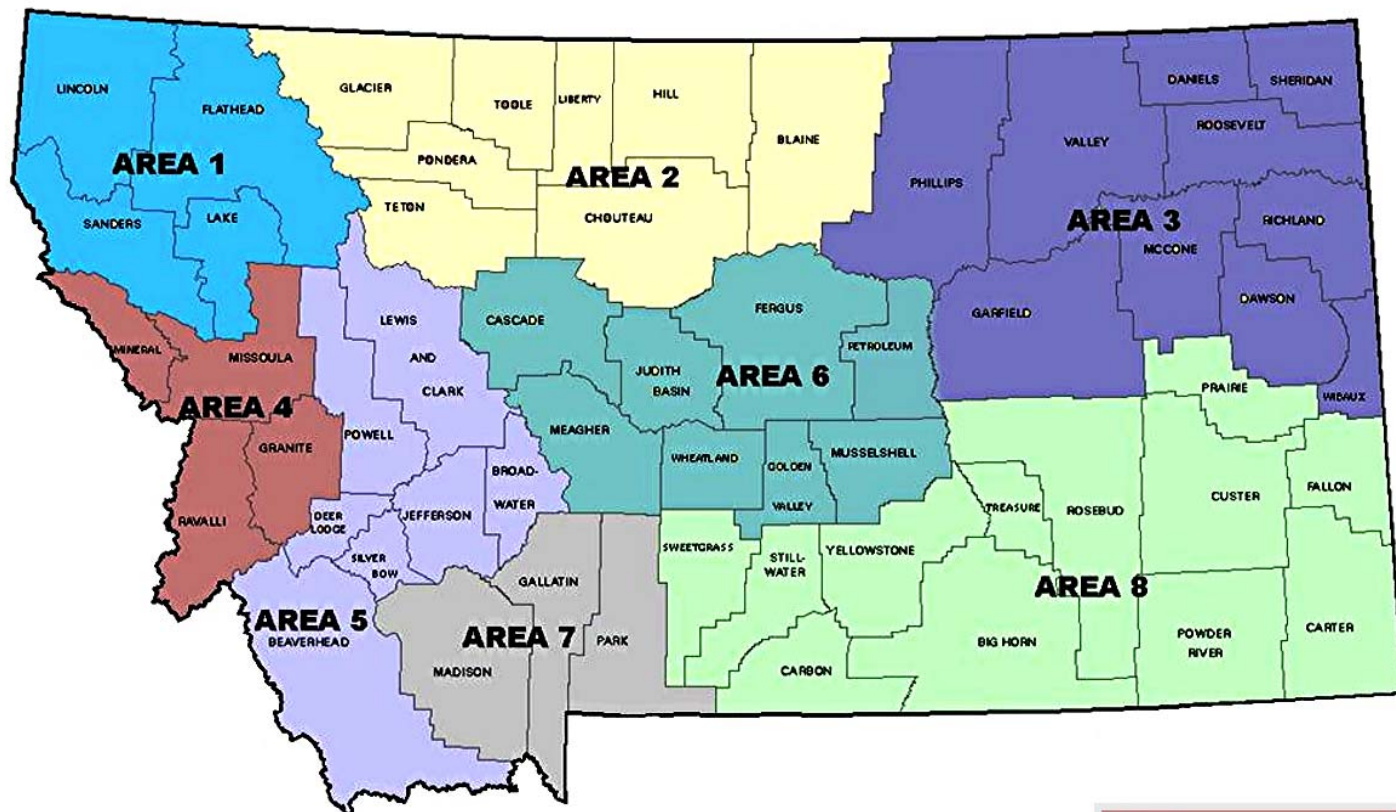
If failure of the dam cannot be averted, call your local sheriff to start evacuation of downstream residents.

### CIVIL PENALTY

Failure to comply with a dam safety law, rule, or order is subject to a civil penalty of up to \$1,000 per day.

### LAWS, RULES AND FORMS

For a copy of the Montana Dam Safety Act, the administrative rules, or the required forms, contact the DNRC Regional Office in your area. Phone numbers and locations can be found on the next page.



**Area 1**  
Kalispell Regional Office  
109 Cooperative Way  
Suite 110  
Kalispell, MT 59901  
(406) 752-3267

**Area 2**  
Havre Regional Office  
210 Sixth Avenue  
Havre, MT 59501  
(406) 265-5516

**Area 3**  
Glasgow, Regional Office  
222 Sixth Street South  
Glasgow, MT 59230  
(406) 228-2561

**Area 4**  
Missoula Regional Office  
Town & Country Shopping Ctr.  
1610 S. Third St. W.  
Suite 103  
Missoula, MT 59806  
(406) 721-4284

**Area 5**  
Helena Regional Office  
1424 Ninth Avenue  
Helena, MT 59620  
(406) 444-6999

**Area 6**  
Lewistown Regional Office  
613 NE Main, Suite E  
Lewistown, MT 59457  
(406) 538-7459

**Area 7**  
Bozeman Regional Office  
2273 Boot Hill Court  
Suite 110  
Bozeman, MT 59715  
(406) 586-3136

**Area 8**  
Billings Regional Office  
Airport Business Park  
1371 Rimtop Drive  
Billings, MT 59105  
(406) 247-4415